though, because of an erroneous instruction on the measure of damages.

The Lost Cause.—In view of the recent fraternal mingling at Gettysburg during the past summer of the soldiers who wore the blue and those who wore the gray, it is interesting to note that the Kentucky Court of Appeals, in the case of Bosworth *v.* Harp, 157 Southwestern Reporter, 1087, also recognized the devotion to principle of those who followed the Lost Cause. In deciding that a statute granting pensions to individual Confederate soldiers did not violate a constitutional provision prohibiting a grant of public emoluments to any man except in consideration of "public service," the court said: "The Southern soldiers fought for a principle"—the right of each state to regulate its local affairs. The Kentucky soldiers who fought in the Confederate army fought to maintain that principle for the state of Kentucky, and, while they lost in the wager of battle, Kentucky has always recognized that they fought for a principle and were rendering public service to their state; and added that, while the Kentucky soldiers in the Frederal army faithfully served a recognized sovereign as those in the Confederate army, "served no less faithfully their state," the sovereign to whom they deemed they owed their first allegiance, and that sovereign may, with equal propriety honor their self-sacrifice, gallantry, and patriotism by protecting them in their age from want.

Injunction against Alienated Affections.—In an action for alienation of affections of plaintiff's husband, may equity enjoin pendente lite the woman charged with having enticed away from plaintiff the love and affection of her husband from the continuance of those acts which lie at the foundation of the clause of action? This question, most unusual in respect to the power of the court of equity, is directly presented in Hall *v.* Smith, 140 New York Supplement, 796. The Supreme Court, Special Term, of New York holds that although at common law a wife could not maintain an action for the alienation of her husband's affections or for the consequent loss of consortium, because, among other things, of the wife's lack of any property right in the affections and companionship of her husband, and her incapacity to sue without joining her husband with her, yet the principles of the common law have been in this as well as in other respects affecting the marital relations and the relative rights of husband and wife abrogated by the innovating spirit of modern legislation so now a wife may sue for the alienation of her husband's affections. In respect to restraining the defendant pendente lite in a proper case, the right to grant such an injunction resides in the court of equity, and it is not unduly extending the jurisdiction or cognizance of the court to restrain the impending, threatened, or continued commission of such

acts as are violative of the rights of a plaintiff in a suit of this character.

The Art of Brief Making.—How to make a brief and what to take into consideration is well stated in Mitchell *v.* Mason, 61 Southern Reporter, 579. In that case the Supreme Court of Florida was confronted with a transcript of the record which contained 2277 pages, "Which, as Cæsar says of Gaul, is divided into three parts," and was "favored with briefs" containing in the aggregate 517 pages. In commenting on this phase of the case, the court says that counsel should never allow their zeal in watching over and protecting the interests of their clients, which in itself is most commendable, to cause them to lose sight of the fact that they are officers of the court and that as such officers they owe certain duties to the court. They should strive to render the members of both the nisi prius and appellate courts all possible assistance in discharging their arduous duties, and should be careful not to impose unnecessary burdens upon them. Judges, being mortals, should not be expected to have greater capacity for work or powers of endurance than members of the bar. Judges have their limitations, even though patience, forbearance, and good nature are supposed to be virtues which peculiarly belong to them. "Mr. Justice Holmes, in a memorial address upon his colleague, the late Chief Justice Field, of the Massachusetts Supreme Court, said that: 'It was hard for him to neglect the possibilities of a side alley, however likely it might be to turn out a cul-de-sac. He wanted to know where it led before he passed it by.' After stating that 'if we had eternity ahead this would be right, and even necessary,' Mr. Justice Holmes proceeds as follows: 'But as life has but a short number of working hours, we have to choose at our peril; we have to act on the presumptions afforded by our present knowledge as to what paths are most likely to lead to desired goals. If we investigate Mohammedanism or Spiritualism, or whether Bacon wrote Shakespeare, we have so much less time for philosophy or church or literature at large. So in deciding a question of law one has to consider this question of time. One has to try to strike the jugular and let the rest go.' He adds that as time went on Chief Justice Field 'gradually learned to omit'—a most important, but exceedingly difficult, lesson to learn. Robert Louis Stevenson has well said that to omit is the one art of literature, stating that if he knew how to omit he should ask no other knowledge. Many cases are presented to us for decision, each one of which is entitled to its fair share of time and consideration, so the better course for us to pursue is 'to try to strike the jugular' in each one 'and let the rest go.'"